



STATE OF INDIANA

MICHAEL R. PENCE, Governor

**PUBLIC ACCESS COUNSELOR
LUKE H. BRITT**

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317)234-0906
Fax: (317)233-3091
1-800-228-6013
www.IN.gov/pac

January 4, 2016

Mr. Marvin F. Taylor, Sr. - #995801
Indiana State Prison
One Park Row
Michigan City, Indiana 46260

*Re: Formal Complaint 15-FC-320; Alleged Violation of the Access to Public Records Act by the
Marion County Prosecuting Attorney*

Dear Mr. Taylor:

This advisory opinion is in response to your formal complaint alleging the Marion County Prosecuting Attorney ("Prosecuting Attorney") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Prosecuting Attorney has responded to your complaint via Ms. Jennifer Morris, Executive Assistant. Her response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on December 8, 2015.

BACKGROUND

Your complaint dated December 3, 2015 alleges the Marion County Prosecuting Attorney violated the Access to Public Records Act by improperly denying your records request.

On November 9, 2015, the Prosecuting Attorney denied your request for the complete file related to a particular cause number. You are seeking not only the official documents, but also any notes and other paperwork included in the file. The denial notes you should already have the documents in your possession.

On December 10, 2015 the Prosecuting Attorney responded, noting you have the complete file in your possession and were provided the public records in 2010.

ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. The Office of the

Marion County Prosecuting Attorney is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Prosecuting Attorney's disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14-3-3(a).

The Prosecuting Attorney has stated it has given you the entire file. The Public Access Counselor is not a finder of fact. Therefore, we cannot determine whether the particular documents you seek from within the file are in the possession of the Prosecutor's Office or another public law enforcement agency or the courts. From the information provided, it appears as if the Prosecutor's Office has previously provided you with everything in its possession.

CONCLUSION

Based on the forgoing, it is the Opinion of the Public Access Counselor the Marion County Prosecuting Attorney has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LHB', with a long, sweeping horizontal line extending from the bottom of the signature.

Luke H. Britt
Public Access Counselor

Cc: Ms. Jennifer Morris